

DATE OF MEETING: January 7, 2008

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland
Trustee Tracy Durkin
Trustee Allen Rundall
Trustee Robert Murphy

The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance.

Undersheriff Kirk Imperati of the Dutchess County Sheriff's Department gave a presentation on the current police protection and went over different options for the Board to explore for future police protection. There was discussion on the topic.

Mr. Charlie Daniels, Chairman of the Pawling Community Foundation, asked the Board to officially approve the pavers for the Village Green project located around the gazebo.

MOTION by Trustee Durkin to approve artwork as presented for the pavers. **SECONDED** by Trustee Murphy. Trustee Rundall questioned as to where the pavers would be placed. Mr. Daniels explained the 13 pavers would surround the gazebo. There was no further discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to close the regular session and go into the Public Hearing to consider any objections or comments concerning the rate schedule in connection with the operation and maintenance costs of the sewerage system: said rate schedule is proposed to be set at \$459,940.00. **SECONDED** by Trustee Rundall. There was no discussion; all were in favor and the motion carried.

Trustee Murphy went over the Sewer Budget (see attached).

There were no comments.

MOTION by Trustee Rundall to close the Public Hearing and return to regular session. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Murphy to approve the rate schedule in connection with the operation and maintenance costs of the sewerage system at a rate schedule of \$459,940.00. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Rundall to close the regular session and go into the Public Hearing to consider and approve the apportionment of the debt retirement costs of the sewerage system of the Village of Pawling Sewer District No. 1 in the amount of \$213,075.00. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

Trustee Murphy went over the debt portion of the Sewer Budget.

MOTION by Trustee Durkin to close the Public Hearing and return to regular session. **SECONDED** by Trustee Rundall. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Murphy to approve the apportionment of the debt retirement costs of the sewerage system of the Village of Pawling Sewer District No. 1 in the amount of \$213,075.00. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

Trustee Murphy went over the half year budget report (see attached).

MOTION by Trustee Durkin to approve the following resolution regarding the reward money. **SECONDED** by Trustee Murphy.

RESOLUTION

WHEREAS, two violent crimes occurred in the Village of Pawling on November 28, 2007 and December 6, 2007, including violent felony sex offenses and burglary; and

WHEREAS, concerned members of the community and the Village of Pawling sought to encourage public participation in the community's efforts to identify and bring to justice the perpetrator or perpetrators of these crimes; and

WHEREAS, General Municipal Law section 91 authorizes the Village of Pawling to establish, administer and pay a reward fund for information leading to the detection, arrest, and conviction of a person or persons guilty of one or more of the alleged felonies identified above, excluding any police officers, peace officers, or other law enforcement authorities; and

WHEREAS, the Village of Pawling received one or more donations for this reward fund, and publicized this reward fund to the community at large prior to the apprehension of a suspect; and

WHEREAS, law enforcement authorities now have a suspect in custody who, upon information and belief, has been or will be charged with and arraigned for the felonies identified above; and

WHEREAS, it is not clear at this time whether any individual may be entitled to claim the reward, and no final determination can be made as to the eligibility of any person who may come forward to claim this reward until the pending criminal proceedings are finally resolved.

NOW THEREFORE BE IT RESOLVED, that the Village Board of Trustees hereby authorizes the Mayor and/or the Village Treasurer to deposit all reward funds that the Village has received from members of the community and other sources in a separate, dedicated escrow account established for this sole purpose; and

IT IS HEREBY FURTHER RESOLVED that these reward funds shall only be paid to any individual or individuals who can demonstrate that he or she provided the authorities with information leading to the detection, arrest, and conviction of a person or

persons guilty of one or more of the alleged felonies identified above, excluding any police officers, peace officers, or other law enforcement authorities; and

IT IS HEREBY FURTHER RESOLVED that no determination and award of the reward fund monies shall be made unless and until the criminal proceedings resulting in such convictions shall have been finally resolved, including any and all appeals from such conviction; and

IT IS HEREBY FURTHER RESOLVED that no determination and award of the reward fund monies shall be made to any claimant absent written confirmation from the Dutchess County District Attorney, the New York State Police, and/or the Dutchess County Sheriff that the claimant provided the authorities with information leading to such detection, arrest, and conviction; and

IT IS HEREBY FURTHER RESOLVED that, in the event that more than one claimant qualifies for the reward under the terms and conditions set forth herein, then each qualified claimant shall be paid an equal share of the reward monies; and

IT IS HEREBY FURTHER RESOLVED that, in the event that no claimant comes forward within six (6) months of the date of this resolution, or within sixty (60) days of the initial conviction and sentencing of the individual currently charged with these crimes, whichever is later, the reward monies shall be returned to the members of the community who originally donated those funds; and

IT IS HEREBY FURTHER RESOLVED that, in the event that a claimant does come forward within the time provided herein, but written confirmation that the claimant provided the authorities with information leading to such detection, arrest, and conviction as required herein is not received within sixty (60) days of the initial conviction or within sixty (60) days of the claimant coming forward, whichever is later, the reward monies shall be returned to the members of the community who originally donated those funds; and

IT IS HEREBY FURTHER RESOLVED that, in the event that the individual who is currently charged with these crimes is acquitted or convicted only of a misdemeanor, or the charges are dismissed with prejudice or otherwise barred from prosecution by reason of double jeopardy, or in the event that the charges are dismissed and the District Attorney's Office states that it will not re-file or otherwise pursue these charges, the reward monies shall be returned to the members of the community who originally donated those funds; and

IT IS HEREBY RESOLVED that the Village of Pawling holds these reward monies only as a stakeholder and assumes no liability for the payment of those funds to any claimant, and that the Village of Pawling does not assume any liability for the return of reward funds to any donor who objects to the release of those funds to a qualified claimant; and

IT IS HEREBY RESOLVED that, in the event of any dispute between a claimant and a donor concerning the payment of these funds, the Village of Pawling may bring an affirmative or defensive interpleader action and deposit the contested reward funds in the custody of the Court pending a final judicial determination as to the proper disposition of those funds.

The foregoing Resolution was voted upon with all members voting as follows:

Mayor Liffland	Aye
Trustee Durkin	Aye
Trustee Murphy	Aye
Trustee Rundall	Aye
Trustee Osborn	Absent.

MOTION by Trustee Durkin to approve the 2008 Holiday Schedule. **SECONDED** by Trustee Murphy. Trustee Rundall asked questions regarding floating holidays. There was no further discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to reschedule the January 21, 2008 meeting to January 28, 2008 due to a holiday. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

Trustee Durkin reported on the condition of the Memorial Avenue trees. She said she asked Lou Sebesta, Urban Forester for Region 3, to look at the trees and his report indicated that one tree was in fair to poor condition while the others needed tending such as pruning. Trustee Durkin said Mr. Sebesta suggested ideas to mitigate the slope the trees are on. She said she would draw up an RFP for the work needed to care for the trees. Mayor Liffland suggested asking the Pawling Community Foundation for their assistance. There was discussion about the yellow ribbons being removed from the Memorial Avenue trees. Trustee Murphy suggested informing the American Legion about the report.

MOTION by Trustee Durkin that the polling place for the March 18, 2008 Village Election will be the Municipal Building, 9 Memorial Avenue, Pawling, New York for Districts 4 and 5 and that the polls will be open from 12:00 noon through 9:00 p.m. **SECONDED** by Trustee Rundall. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said there had been several meetings regarding the proposed communication tower and the Board's biggest concern was for the safety and welfare of the community. He said the fire department was having problems receiving the signal to their pagers. He said the company offering the communication tower looked at different spots within the village and the Board was going to explore the Libby Lane well site as a possible site for the tower.

Mr. Bart Clark went over some MS4 goals for the upcoming year. There was discussion on \$4.5M in funding for East of Hudson Communities and if the Board should enter into an Intermunicipal Agreement with other municipalities. Supervisor Coursen said she urged the Board not to accept the Intermunicipal Agreement and recommended challenging the requirements. There was discussion on the MS4 program.

MOTION by Trustee Durkin to approve December's bills in the amount of \$110,147.91. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve the 2008 Metro North budget. **SECONDED** by Trustee Rundall. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve the Metro North bills in the amount of \$869.97. **SECONDED** by Trustee Rundall. There was no discussion; all were in favor and the motion carried.

Historian's Report

Mr. Nicholson stated Ms. Linda Scrivani-Goldman donated items to the village historic collection. He said he was scheduled to do interviews with Jane Valenti-Harte and with Earl Slocum. Mr. Nicholson said there would be a new display put up in the case at the end of the month.

Trustees' Reports

Tracy Durkin

Trustee Durkin said most of her items were covered earlier in the meeting.

Robert Murphy

No report.

Allen Rundall

Trustee Rundall reported the tests that were done at the schools came back well below contaminated levels and the documents were sent to the Superintendent of Schools. He stated the engineers were working on compiling data for a filtration system at the reservoir. Trustee Rundall said he was still reporting street light outages to NYSEG.

Mayor's Comments

Mayor Liffland invited everyone to come out and offer their input during the budget process so the Board would know the public's feelings.

Public Comment

Michael Montemarano, a Town Councilman, spoke about the Triathlon.

Janet Thomson, a resident of Orchard Street, said she would like the stop sign on Charles Colman Boulevard and Willets removed.

Mrs. Patchey, commented that people should shovel their sidewalks and clean up after their dogs.

Faith Phillips, a resident of West Street, asked questions regarding the communication tower.

Colette Zito, a resident of Tyrell Road, thanked the Board for the continuing dialogue about the police coverage.

Sy Capalbo, a resident of Walnut Street, commented about flags.

MOTION to adjourn the meeting at 9:32 P.M. **SECONDED** by Trustee Rundall. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to open the meeting and go into Executive Session to discuss Personnel. **SECONDED** by Trustee Rundall. There was no discussion; all were in favor and the motion carried.

There were no decisions made in Executive Session.

MOTION by Trustee Durkin to close Executive Session and return to regular session in order to adjourn the meeting at 10:25 P.M. **SECONDED** by Trustee Rundall. There was no discussion; all were in favor and the motion carried.

Village Clerk